

REMARKS

In response to the Office Action dated Sep. 26, 2006 (“Office Action”), Applicants submit the following remarks. In the Office Action, the Examiner rejected claims 1 – 30 under 35 U.S.C. § 102(e) over Deaton et al. U.S. Patent No. 6,611,811 (“Deaton”). Applicants herein amend claims 1 – 28, cancel claims 29 – 30, and present new claims 31 – 34. No new matter is added. As a result, claims 1 – 28 and 31 – 34 are pending. Further examination and review in view of the amendments and remarks below are respectfully requested.

Applicants’ undersigned representative would like to schedule a telephonic interview with the Examiner to discuss the application prior to the issuance of another office communication. Applicants’ representative will contact the Examiner to schedule an interview, and of course the Examiner is respectfully invited to call Applicants’ representative directly at 206-332-1382.

Claim Rejections 35 U.S.C. § 102(e)

Claims 1 – 28 stand rejected under U.S.C. § 102(e) over Deaton. Applicants respectfully traverse this rejection.

In the Office Action, the Examiner stated that Deaton anticipates claim 1 and cited “column 7 – 143, lines 1 – 67 and column 189, lines 1 – 58” (Office Action dated Sep. 26, 2006 at p. 2) in support of the rejection. More specifically, the Examiner cited to *over 80 pages* including *every line on every page* without pointing out where the reference anticipates claim 1. Applicants respectfully submit that it is the duty of the Examiner to cite the best reference in an anticipation rejection and “when [the] reference ... shows or describes inventions other than that claimed by the applicant, the *particular part relied* on must be designated as *nearly as practicable*.” (37 CFR 1.104(c)(2))(emphasis added). As stated above, the cited portion of Deaton is over 80 pages. Within those 80 pages Applicants submit that Deaton describes numerous embodiments, techniques and technologies, e.g., check reading methods, POS terminals, a networking aspect, etc. (*see e.g.*, columns 7 – 143, lines 1 – 67). Applicants submit that the Examiner has failed to point to the particular portions of

Deaton, *as nearly as practicable*, in rejecting claim 1. As such, Applicants submit that any subsequent action can not be made final.

Although the Examiner has failed to identify sections of Deaton to the required degree of particularity, in order to expedite prosecution of the present application, Applicants will address the Examiner's rejections in light of Deaton as a whole.

With respect to claim 1, amended claim 1 recites:

A system for transferring an electronic receipt from a point of sale location to a predetermined remote computer using a receipt card having an account number encoded thereon comprising:

- a. means for receiving point of sale data identifying an item purchased and a purchase price;
- b. means for generating applicable unique transaction identification information;
- c. means for receiving a receipt card account number;
- d. means for determining a remote computer based on the received receipt card account number;
- e. means for establishing a communications link with the remote computer; and
- f. means for transmitting the electronic receipt including said point of sale data, said receipt card account number, and said unique transaction identification information to the remote computer.

Applicants submit that claim 1 patentably distinguishes over Deaton. For example, claim 1 recites "means for transmitting the electronic receipt including said point of sale data, said receipt card account number, and said unique transaction identification information to the remote computer." In contrast, Deaton states that the system *prints* receipts at the *point of sale* numerous times throughout the disclosure. For example, Deaton states that "the ECR includes a receipt printer ... which generates a *written receipt* provided to the customer to indicate the amount of his purchases." (Deaton at col. 74, line 27 – 30).

Claim 1 also recites "means for determining a remote computer based on the received receipt card account number." In contrast, Deaton merely teaches that "the CVC controller

965 would operate through a conventional dial-up credit verification system to obtain the credit verification and debit card information for authorizing the debit card transaction,” and that “Information regarding the unique customer identification and the transaction would then be stored in the database of the CVC controller.” (Deaton col. 75, lines 17 – 22). In Deaton, the database for storing the information is selected without regard to the debit card information. This is in contrast to determining a remote computer based on the received receipt card account number, as recited in claim 1.

Insomuch as claims 2- 14 depend directly or indirectly from claim 1, they to patentably distinguish over Deaton. Accordingly, Applicants respectfully request reconsideration of these rejections.

With respect to independent claim 15, amended claim 15 recites similar language to that of independent claim 1, and is patently distinct from Deaton for at least the same reasons discussed above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration of the rejection.

Insomuch as claims 16 through 28 depend directly or indirectly from claim 15, they to patentably distinguish over Deaton. Accordingly, Applicants respectfully request reconsideration of these rejections.

Newly presented claims 31-34 recite, in part, “maintaining a database of electronic *receipts*, each *receipt associated with a receipt card account number*, said receipt including a list of items purchased during a transaction and unique transaction identification information.” Although Deaton mentions storing information regarding the unique customer identification and the transaction in the database of the CVC controller (Deaton col. 75, lines 17 – 22), storing information regarding the transaction does not teach or suggest storing electronic receipts, where each receipt includes a list of items purchased during a transaction and unique transaction identification information, as recited.

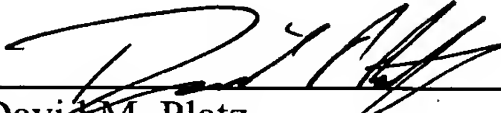
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CONCLUSION

In view of the foregoing, Applicants respectfully submit that claims 1-28 and 31-34 are allowable and ask that this application be passed to allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned.

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